

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA, *

v.

**WILLIE JAMES BOSWELL,
TINKIEWON LASHUA BERRY,
And UWANA FABIUM ROBINSON**

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CR. NO. 2:05CR131-A

NOTICE OF INTENT TO CHANGE PLEA

COMES NOW, the Defendant, TINKIWON LASHAU BERRY, by and through the undersigned attorney of record, Zachary T. Collins, and hereby gives notice to this Honorable Court of his intent to withdraw his former plea of not guilty and to enter a plea of guilty to Count 1, of the Indictment in this cause, and moves this Honorable Court to set the date and time for the purpose of entering said plea, and as reasons therefore states as follows:

This change of plea is based on plea negotiations with the Assistant United States Attorney, A. Clark Morris. As a result of these plea negotiations and in exchange for his plea of guilty, the defendant advises the Court that:

1. The discussions between the attorney for the Government and the attorney for the defendant towards reaching an agreed plea in this case have taken place with the defendant's authorization and consent.
2. The Defendant understands that upon entering a plea of guilty that:
 - a. The Government will agree that a 2-level reduction in the applicable offense level pursuant to U.S.S.G. § 3E1.1(a) for his acceptance of responsibility is appropriate.
 - b. The Government will move at sentencing for a downward departure pursuant to U.S.S.G. § 5K1.1 to reflect his substantial assistance.
3. The Defendant further understands that, pursuant to 18 U.S.C. § 3013, a \$100.00

assessment fee is to be paid by him on the date of sentencing and that, if a fine is imposed by the Court at sentencing, he shall meet with a member of the Financial Litigation Section of the United States Attorney's Office on the day of sentencing and complete a written personal financial statement setting forth his assets and liabilities as of the date of the offense.

4. The defendant understands that he has the right to plead not guilty and has the right to be tried by a jury and, at a trial thereof, has the right to the assistance of counsel, the right to confront and cross examine witnesses against him, the right to call witnesses in the his own behalf, and the right not to be compelled to incriminate himself, and that if he enters a plea of guilty herein, there will not be a further trial of any kind and that by the entry of such a plea, he waives the right to a trial by jury or to a trial before the Court.

5. The Defendant further understands that the Government can only make a recommendation, which is not binding upon the Court. However, if the Court does not accept the plea agreement, he would be permitted to withdraw his plea, if he so chooses.

WHEREFORE, PREMISES CONSIDERED, the defendant requests this Honorable Court accept his Notice of Intent to Change Plea and to schedule the date and time for entering said plea.

Respectfully submitted this 23rd day of November, 2005.

/s/ Zachary T. Collins

ZACHARY T COLLINS

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing was served upon A. Clark Morris, Assistant United States Attorney, One Court Square, Suite 201, Montgomery, Alabama 36101 this 23rd day of November, 2005. The above instrument was served via:

- ☐ personal service
- ☒ first class mail
- ☐ certified mail, return receipt requested
- ☐ facsimile
- ☐ overnight courier
- ☒ electronic mail

/s/ Zachary T. Collins

Of Counsel